

## **Title 6**

### **ANIMALS**

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**Chapter 6.04****ANIMAL CONTROL AND PROTECTION**

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**6.04.010 Title.**

The ordinance codified in this chapter shall be designated and may be cited as the “City of Mount Vernon Animal Control and Protection Ordinance.” (Ord. 3301 § 1, 2005).

**6.04.020 Purpose.**

It is hereby declared to be the public policy of the city of Mount Vernon to adopt and enforce those animal control measures deemed necessary for the protection of the health, welfare and safety of the residents and animals within Mount Vernon and to prevent damage to property and cruelty to animals. To this end, it is the purpose of the ordinance codified herein to provide a means of licensing dogs, cats and facilities; to register animals other than dogs and cats and to regulate animal behavior so that it will not constitute a nuisance; to prevent or curtail inhumane treatment of animals; and to prevent or curtail domestic animal overpopulation. (Ord. 3301 § 1, 2005).

**6.04.030 Definitions.**

Within the provisions of this chapter, the following definitions shall apply:

A. “Agent” means any public or private establishment authorized by the city of Mount Vernon to issue pet licenses.

B. “Altered” shall hold the same meaning as “neutered.”

C. “Animal” means any member of the classes reptile, amphibian, arachnid, bird, fish or nonhuman mammal.

D. “Animal control officer” means any person who has been appointed by the mayor and whose work is directed by the chief of police for the purpose of administering and enforcing the provisions of this chapter and the provisions of RCW 16.08.070 through 16.08.100, including all persons granted such authority and responsibility by contract with the city. In addition, any city police officer shall be an ex officio animal control officer and have like enforcement authority.

E. “Animal shelter” means a facility which is used to temporarily house or contain stray, homeless, abandoned or unwanted animals, for a period of time not to exceed six months, and which is owned, operated or maintained by a public body,

an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

F. “At large” means off the premises or outside the vehicle of the owner or keeper of the animal and not under restraint by a leash, tether or other physical control device.

G. “Cat colony” – See MVMC 6.10.010.

H. “Domestic animal” means any animal other than livestock that lives and breeds in a tame condition. For the purposes of this chapter, this generally refers to dogs and cats.

I. “EAID” means electronic animal identification device.

J. “Exotic animal” means any member of the animal kingdom which is not commonly domesticated or which is not common to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any animal except livestock and domesticated animals which due to size, habits, natural propensities, instinct, handling or training presents a danger or potential danger to human beings, animals or property if not kept, maintained or confined in a safe and secure manner.

K. “Feral” means any animal, normally classified as domestic, which has escaped domestication and become wild, or, the offspring of outdoor intact domestic animals, owned or abandoned.

L. “Grooming parlor” – See MVMC 6.10.010.

M. “Guard dog” means any type of dog specifically trained and used for the purpose of defending, patrolling or protecting property or life. The term “guard dog” shall exclude police dogs and dogs used primarily for handling and controlling livestock or farm animals.

N. “Keeper” means any person, including an owner, who provides animals with food, water and general care.

O. “License” or “tag” means a prenumbered identification tag acquired by the owner from an authorized agent for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license.

P. “Licensed veterinarian” means any person licensed to practice veterinary medicine in the state of Washington.

Q. “Microchip” means an EAID.

R. “Neutered” means medically determined to be incapable of reproduction or when the physical condition of an animal is certified by a licensed veterinarian to be such as would prohibit perfor-

mance of such medical procedure to render it incapable of reproduction.

S. “Owner” means any person(s), firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control, custody or possession of an animal.

T. “Person” means any individual, firm, partnership, corporation, trust or association of persons.

U. “Pet” shall hold the same meaning as “domestic animal.”

V. “Police dog” means a dog used by a law enforcement agency and specially trained for law enforcement work.

W. “Rabies quarantine” means the keeping of a biting animal or the suspected biting animal separate and apart from other animals and people for a period of at least 10 days.

X. “Service dog” means a properly trained dog certified by a licensed training facility that has an expertise in training dogs for physically impaired persons.

Y. “Spay” shall hold the same meaning as “neuter.”

Z. “Stray” means any dog or cat wandering or roaming without an apparent owner or home.

AA. “Wild animal” shall hold the same meaning as “exotic animal.” (Ord. 3301 § 1, 2005).

#### **6.04.040 Mandatory licensing of dogs and cats.**

It is unlawful for any person to keep or maintain a dog over 20 weeks of age or cat over 12 weeks of age within the city without obtaining and retaining a license as required by this chapter. A serially numbered round metal license tag provided by the city shall be securely affixed to a collar and worn by the animal when away from the owner’s premises; provided, that dogs and cats, while kept in a commercial kennel or cattery, pet shop, veterinary clinic, grooming parlor, or in the animal shelter designated as the custodian of animals impounded under this chapter, shall be exempt from this license requirement; provided, any person who newly acquires an unlicensed or licensed dog or cat of licensing age, shall have 30 days within which to obtain the license required by this chapter. Such license is valid for the life of the animal and is non-transferable. See special requirements for guard dogs. (Ord. 3301 § 1, 2005).

#### **6.04.050 Optional pet registration.**

A city resident may register any domestic animal legally allowed under this title other than a dog or cat upon completion of an application and pay-

ment of a pet registration fee, if any such fee is required by this chapter. The pet registration is valid for the life of the animal and is nontransferable. (Ord. 3301 § 1, 2005).

**6.04.060 Dog and cat licensing and pet registration – Agents.**

In addition to city employees, the city council may designate an authorized agent or agents for issuance of city animal licenses and tags and for the registration of other animals. The agent or agents may be the designated animal shelter operator, licensed veterinarian, pet shop, commercial kennel and cattery operators, and grooming parlor operators with whom the city has entered into an agreement for such service. In the case of licensing by agents other than city employees, an agent's fee of \$2.00 shall be collected and retained by the agent. Agents shall within 24 hours of receipt electronically transmit the animal licensing information to the city. (Ord. 3301 § 1, 2005).

**6.04.070 Dog and cat licensing and pet registration – Application.**

Anyone applying for a license for a dog or cat or for registration of another domestic animal shall submit the following information:

- A. The name, address and telephone number of the legal owner of the animal;
- B. The name, address and telephone number of the person having custody of the animal, if other than the legal owner;
- C. The name, age, breed, color, sex, distinguishing features, markings or tattoos of the animal, and, in the case of dogs or cats, whether the animal has been neutered;
- D. In the case of cats of questionable breed, they shall be recorded as domestic short hair, domestic medium hair, or domestic long hair, as appropriate;
- E. The address of the property at which the animal is ordinarily kept or maintained;
- F. A certificate of a veterinarian indicating the dog or cat has current rabies immunization;
- G. A certificate of a veterinarian indicating the dog or cat has been neutered, if claiming so;
- H. EAID information, if applicable. (Ord. 3301 § 1, 2005).

**6.04.080 Dog and cat licensing and pet registration – Record of.**

A record of all animal licenses, pet registrations, and their accompanying applications and any supporting certifications shall be maintained by the police department. (Ord. 3301 § 1, 2005).

**6.04.090 Dog and cat license – Fees.**

License for neutered dogs and cats shall be valid for the life of the animal. License for intact dogs and cats shall be renewed annually. All licenses are nontransferable. License fees are as follows:

- A. Neutered: free;
- B. Intact: \$50.00 per year;
- C. Replacement tags: \$2.00. (Ord. 3301 § 1, 2005).

**6.04.100 Dog and cat license – Late penalty.**

A late penalty of \$5.00 shall be assessed for any dog or cat license application not received within 30 days of the animal first being kept or maintained in the city, or, the animal reaching the age of 20 weeks for dogs and 12 weeks for cats, as provided for in MVMC 6.04.040. (Ord. 3301 § 1, 2005).

**6.04.110 Dog and cat license – Tag issuance.**

Upon proper application and upon payment of applicable fees, if any, by the owner or person having the custody and control of any dog or cat, the attending employee or agent shall issue to such person a serially numbered round metal identification tag for such animal and such person shall ensure that the tag thereafter is securely affixed to a substantial collar or harness to be worn by the dog or cat at all times except when the animal is securely confined within a residence or enclosure or is being displayed in an exhibition. An electronic animal identification device may be implanted in addition to, but not in place of, the serially numbered tag. (Ord. 3301 § 1, 2005).

**6.04.120 Cats and dogs – Maximum number owned or kept.**

No person shall own or keep within the city more than three dogs of licensing age but may own or keep any number of cats of licensing age, to a maximum of six total cats and dogs of licensing age; except, that any person intending to own or keep more than three dogs or more than six total cats and dogs of licensing age, as referred to in this section, shall do so only as a properly licensed commercial kennel, cattery, veterinary clinic or similar use. (Ord. 3301 § 1, 2005).

**6.04.130 Cats and dogs – Maximum number – Exception.**

In addition to the pet limitations outlined in MVMC 6.04.120, any person, due to unforeseen or emergency circumstances, may temporarily shelter a total of two additional cats and dogs in any combination of cats and/or dogs for up to six months. Such animals shall be disclosed to the animal con-

trol officer and licensed as any other animal covered under this chapter. (Ord. 3301 § 1, 2005).

**6.04.140 Guard dogs – Special requirements.**

Guard dog owners and guard dog services shall register all dogs used within the city, regardless of owner address. In addition to information required by MVMC 6.04.070, the registration shall include:

A. EAID number:

1. EAID type;

2. Proof of ownership (bill of sale, veterinarian affidavit, etc.).

B. Guard dogs, newly acquired by owners or guard dog services, shall be vaccinated against rabies and registered with the city no later than 10 days from acquisition and in no case shall such animal be placed in service prior to vaccination.

C. Guard dogs shall be registered annually with the city.

D. Each guard dog shall have an implanted EAID readable by the city's equipment.

E. The escape or disappearance of a guard dog shall be reported immediately to the city.

F. It shall be a condition of registration that animal control officers shall at any reasonable time, unannounced, have the right to enter the premises and inspect all animal health records, dogs, and kennels housing guard dogs and other premises where such dogs are kept. Refusal to allow inspection shall be prima facie evidence of a violation of this chapter.

G. The vehicle of every guard dog service transporting any guard dog must be clearly marked, showing that it is transporting an aggressive dog. A compartment separate from the driver is required and shall be arranged to ensure maximum ventilation for the animal. No guard dog shall be transported in the trunk of a car or on an open bed truck.

H. Each business which hires or uses a guard dog to patrol the premises after business hours shall provide adequate fencing or some other confining structure to keep the guard dog within the enclosed area.

I. Each business which hires or uses a guard dog that is present during business hours shall have the dog confined in such a manner so as not to pose a danger to the public. Confinement shall, at a minimum, prevent deliberate or inadvertent physical contact by the public.

J. At each entry point and at each 50-foot interval along the fence perimeter, if applicable, a sign shall be posted including the words "Guard Dog" in three inch letters. All entry points shall be double-gated.

K. Entry points shall have a sign posted with the telephone number of the dog's handler and/or owner in case of an emergency.

L. Dogs used for guarding businesses shall be given a humane existence, including adequate shelter, food, water and exercise. Dogs confined to a cage or kennel shall be able to stand freely and turn without restriction and shall be permitted daily exercise for an appropriate length of time, as determined by their size and age in a yard or other area suitable for that purpose.

M. No dog which has been declared a dangerous dog by the city shall be used as a guard dog. (Ord. 3301 § 1, 2005).

**6.04.150 Animals running at large.**

It is unlawful for any person being the owner or keeper of any animal to permit such animal to be at large upon the private property of another within the city except with the permission of the owner or custodian of such private property. (Ord. 3301 § 1, 2005).

**6.04.160 Leash requirements.**

It is unlawful for the owner or keeper of any dog or intact cat to allow such animal to roam, stray or be away from the premises of the owner or keeper, or to be in or on any public place or property unless such animal is physically controlled by the owner or keeper or other competent and authorized person by means of a physical control device, including a leash or carrying cage; except, that in a public place, no physical control device is required while the animal is present within the boundaries of a city-owned or sanctioned off-leash dog park or while participating in an organized exhibition or training session; provided, that the control device requirements of this section shall not apply to a police dog while in the performance of a law enforcement function. (Ord. 3301 § 1, 2005).

**6.04.170 Dogs in season.**

Every female dog in season shall be confined in a well ventilated and adequately sized closed structure so that the dog cannot come into contact with an intact male dog except for planned breeding. (Ord. 3301 § 1, 2005).

**6.04.180 Animal noise control.**

It is unlawful for any person to cause or allow to originate from the property frequent, repetitive, or continuous howling, barking, or other noises made by any animal covered by this chapter which disturbs the peace and quiet of the surrounding area. Sounds made in pet shops, veterinary clinics,

grooming parlors, commercial kennels and catteries licensed under this chapter and in compliance with MVMC Title 17, shall be exempt under this subsection; provided, however, that it is an affirmative defense under this subsection that the animal was intentionally provoked to bark or make any other noise by the injured person or any other person; provided, that the enactment of this provision shall in no way nullify any other provision of the municipal code concerning animal noise. (Ord. 3301 § 1, 2005).

#### **6.04.190 Animal waste.**

A. It is unlawful for the owner or keeper of any dog or other animal, either willfully or by failure to exercise due care, to permit such animal to commit a public nuisance by defecating upon private property without the permission of the owner or custodian thereof, upon the public sidewalk, in or upon any public street or any other public place. It shall be a defense to a charge under this section that the owner or keeper of the animal possessed the appropriate device for removal of waste and did immediately remove and properly dispose of the waste; provided, that this subsection shall not apply to a person whose visual or physical condition is an impediment to compliance with this subsection.

B. It is unlawful for any owner or keeper to allow waste to accumulate on said owner's or keeper's property to the extent that neighbors are adversely affected by odor or runoff. (Ord. 3301 § 1, 2005).

#### **6.04.200 Nuisance or destructive behavior.**

It shall be unlawful for an owner or keeper to:

A. Permit an animal to chase, run after or jump at vehicles lawfully using the public streets, alleys and ways;

B. Permit any animal to trespass on public or private property so as to damage or destroy any lawn, garden, or other property or thing of value;

C. Any animal causing an owner to be in violation of any of the provisions of this section is declared to be a public nuisance and may be immediately seized and impounded;

D. It shall be a defense to a charge under this section that the animal which chased, jumped, trespassed or damaged property had been intentionally provoked to perform the nuisance or destructive behavior by a person other than the animal's owner or keeper. (Ord. 3301 § 1, 2005).

#### **6.04.210 Destruction of injured or diseased animal.**

Any animal suffering from serious injury or disease may be humanely destroyed by the impounding authority with the assistance of a licensed veterinarian, when practicable; provided, that the impounding authority shall make reasonable effort to locate and notify the owner prior to destroying the animal by searching licensing records and attempting telephone contact with the owner, if known. (Ord. 3301 § 1, 2005).

#### **6.04.220 Destruction of dangerous animal.**

If any dangerous, vicious, or depredatory animal or any animal known to have rabies cannot be safely taken up and impounded, such animal may be immediately destroyed by an animal control officer. (Ord. 3301 § 1, 2005).

#### **6.04.230 Biting animals – Duty to report – Confinement – Penalty.**

A. When any cat, dog or ferret has bitten or attacked any person, it shall be immediately reported to the animal control officer. Bites occurring in a veterinary hospital or clinic, or any business or shelter addressed in Chapter 6.06 MVMC, are not subject to mandatory reporting to the animal control officer; however, this does not relieve the owner or keeper of reporting requirements of the Skagit County health department.

B. It is unlawful for the owner of any animal, when notified that such animal has bitten any person or has injured any person such as to cause an abrasion of the skin, to sell or give away such animal or permit such animal to be taken beyond the limits of the city except to a veterinary hospital. It shall be the duty of such owner upon receiving such notice of the animal's injurious acts to immediately place such animal in a duly licensed veterinary hospital for confinement for a period of at least 10 days or to deliver such animal to an animal control officer for such placement or similar confinement. No person shall release or remove any animal from its place of confinement to another place without the consent of and upon the conditions imposed by the animal control officer. Upon authorization of the animal control officer, an animal may be released from confinement to the custody of its owner upon the owner's undertaking to keep the same confined to the premises of the owner and segregated from other animals during such observation period.

C. In the event that the officer has reason to suspect that the animal is rabid, the appropriate officials of the Skagit County health department shall

be notified and the officer shall coordinate any further activities with such department. The health department shall have jurisdiction over any matter possibly involving rabies. WAC 246-100-191(3), together with amendments thereto, are incorporated in this chapter by reference and prevail over any conflicting provision of this chapter in any suspected rabies matter.

D. It shall be a violation of this chapter for any owner or keeper to whom an order of rabies quarantine is issued to knowingly, recklessly or with criminal negligence permit the order of rabies quarantine to be broken. Should the order of quarantine be broken, the animal may be impounded and held by the city at the owner and/or keeper expense for the remainder of the quarantine period.

E. No person shall refuse to surrender any animal for quarantine when demand is made by order of an animal control officer.

F. Redemption of the animal is subject to payment of any fees allowable under this chapter.

G. Any person refusing or failing to comply with the provisions of this section or with the order or directives of an animal control officer relating thereto shall be guilty of a misdemeanor and shall be punishable by the laws of the state and MVMC 1.20.010.

H. A publicly owned police dog with a current rabies vaccination shall be exempt from quarantine unless ordered by the county health officer. (Ord. 3301 § 1, 2005).

#### **6.04.240 Rabies carriers.**

It is unlawful to own, keep or harbor within the city bats or any species of animals designated as unlawful by the Washington State Department of Health pursuant to WAC 246-100-191 by reason of such species being a transmitter of rabies to human beings, including any bat, skunk, fox, coyote or raccoon, except under circumstances permitted by said WAC 246-100-191, which is incorporated herein by reference. (Ord. 3301 § 1, 2005).

#### **6.04.250 Rabies vaccination.**

All persons seeking to license a dog or cat, or to register a ferret, shall be required to show proof of current rabies vaccination from a licensed veterinarian prior to registration and said vaccination shall be kept current as long as the animal remains in the city. A durable and traceable rabies tag provided by the veterinarian shall be securely affixed to a collar and worn by the animal when outside or away from the owner's home or other enclosure. (Ord. 3301 § 1, 2005).

#### **6.04.260 Cruelty to animals.**

It is unlawful for any person within the city to intentionally, knowingly, recklessly or with criminal negligence commit, singly or together, any of the following acts or omissions or to aid or abet another person in the commission of such acts or omissions, which are deemed to constitute cruel treatment of animals:

A. To cause or allow any animal to endure pain, suffering, injury or to fail or neglect to aid or attempt to alleviate pain, suffering or injury which the person has caused to any animal. Such aid shall include provision of needed veterinary care;

B. To fail to provide minimum care to any animal within the person's care, custody or control; for the purpose of this section, "minimum care" means care sufficient to preserve the health and well-being of an animal and except for emergencies or circumstances beyond reasonable the reasonable control of the owner or keeper, includes, but is not limited to, the following requirements:

1. In each period of 24 consecutive hours, to provide food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;

2. In each of 24 consecutive hours, to provide open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Neither ice nor snow is an adequate water source;

3. In the case of domestic animals, to provide a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun, and which has adequate bedding to protect against cold or dampness;

4. To provide veterinary care deemed necessary by a reasonable prudent person to relieve distress from injury, neglect or disease;

5. No domestic animal shall be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess mud, waste or other contaminants which could affect the animal's health;

C. To tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or to render such animal incapable of consuming food or water or of using shelter provided for it, while at the same time allowing adequate space for freedom of movement;

D. To abandon any animal by dropping off or leaving such animal on a street, road or highway, or



in a public place, or on the private property of another person;

E. To confine an animal within or on a motor vehicle or other structure or enclosure at any location when unattended and under such circumstances as may endanger the health and well-being of the animal. Such conditions include, but are not limited to, dangerous temperature, lack of food or water and confinement with a vicious animal;

F. To transport or confine any living animal on the outside part of a motor vehicle except where attached to the vehicle by a suitable harness, leash, cage or other enclosure that protects the animal from falling or being thrown therefrom and which prevents the animal from leaving the vehicle while unattended. The outer part of the vehicle includes the running board, fender or hood of any motor vehicle or the flat bed of a truck and/or the open portion (bed) of a pickup truck;

G. To place any food, drink or other substance of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to domestic animals. Care shall be taken to avoid open containers or spills of anti-freeze or other toxic substances;

H. To knowingly and intentionally, whether for amusement of self or others, or for financial gain, cause any animal to fight or injure any other animal, cause it to be fought or be injured by any animal or to train or keep for the purpose of training any animal with the intent that the animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under that person's control, and any person present as a spectator at that exhibition, shall be considered a violator of this subsection;

I. To sell or offer for sale or to give away any living baby rabbits, chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to have an artificial color; provided, that this shall not prohibit the sale or display of natural baby rabbits, chicks, ducklings or other fowl in proper brooder facilities or stores engaged in selling them for commercial purposes;

J. To abandon or transfer to another person by gift, sale or exchange for consideration, any animal in or upon any sidewalk, street, alley, lane, public right-of-way, park or any other public property except when the transfer takes place to a sale conducted by a public body or public officer, when the transfer takes place at an animal show or exhibition conducted by or for persons who regularly engage in the practice of breeding animals for show or exhibition, or when one of the parties to the transfer is a member of an animal welfare organization

and is acting on behalf of the animal welfare organization.

Violation of any of the provisions of this section under circumstances not amounting to animal cruelty in the first degree (RCW 16.52.205) shall constitute a misdemeanor, and may be punished by the laws of the state and MVMC 1.20.010.

In any prosecution of animal cruelty other than in the first degree, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence that the defendant's failure was due to economic distress beyond the defendant's control. (Ord. 3301 § 1, 2005).

#### **6.04.270 Duty when striking domestic animal with motor vehicle.**

Any person while operating a motor vehicle strikes a domestic animal shall stop at the first safe opportunity, and immediately report such injury or death to the animal's owner or to a city animal control officer or police officer. This section shall not be construed as requiring the person striking the animal with a motor vehicle to be financially responsible for the injury or death of the animal. (Ord. 3301 § 1, 2005).

#### **6.04.280 Found stray animal.**

It is the duty of any person who takes a stray animal, as defined in this chapter, into his or her possession to notify the city animal control officer at once, and to release such animal to said officer upon demand and without charge. The intent of this section shall be satisfied by providing a telephonic or electronic message when notification occurs after business hours. (Ord. 3301 § 1, 2005).

#### **6.04.290 Scientific experimentation.**

It shall be unlawful for any person to deliver, sell, offer or give any live animal for scientific experimentation which involves any cruel or inhumane treatment. It shall be unlawful for any person to conduct scientific experimentation on live animals which involves any cruel or inhumane treatment. (Ord. 3301 § 1, 2005).

#### **6.04.300 Animals as prizes.**

It shall be unlawful for any person whether for profit, nonprofit, charity or any other purpose to offer an animal as a prize in response to participation in a game, contest, drawing of chance or any other similar event; provided, it shall not be unlawful for a nonprofit organization to offer for sale an animal at auction wherein there is a willing seller and buyer. (Ord. 3301 § 1, 2005).

**6.04.310 Police dogs – Exemption.**

All police dogs owned by a public law enforcement agency and being used for duty or training shall be exempt from all provisions of the Mount Vernon Municipal Code relating to animal control. If a police dog is voluntarily quarantined, such dog will be remanded to the control of its agency. (Ord. 3301 § 1, 2005).

**6.04.320 Exotic animals.**

A. No person shall possess within the city any of the following animals:

1. All nonhuman primates;
2. All wild cats of the family Felidae and their hybrids, except for the domestic cat *Felis catus*;
3. All species of bear;
4. All wild carnivores of the family Canidae and their hybrid, except for the domestic dog *Canis familiaris*;
5. Venomous reptiles, fish, amphibians and arachnids;
6. Any constrictor snake of six feet or more in length;
7. All members of alligator, crocodile and caiman families.

B. It is unlawful for any person to bring into the city or to keep or harbor within the city any wild or exotic animal, other than those prohibited above, unless the animal has been properly registered with the city and fees required by this chapter have been paid. An exotic animal registration application, to include a photograph of the animal, shall be completed and a fee of \$100.00 per animal shall be paid at the time of registration. An exotic animal registration is nontransferable. The animal control officer shall inspect the quarters where the animal is intended to be contained. Registration shall not be allowed and the animal shall not be brought into the city or retained in the city if, in the judgment of the animal control officer, the quarters intended for the animal are inadequate to safely and humanely contain the animal. If registration is allowed, the quarters where an exotic animal is kept shall be subject to inspection at any reasonable time by the animal control officer or police officer. If an exotic animal escapes or if it appears from such inspection or otherwise that an exotic animal might escape, an order may be given by an animal control officer or police officer that such quarters be immediately repaired or improved and, if this is not done, the animal may be impounded and held at the owner's expense until such repairs or improvements are made. The city may move to destroy or adopt the animal if not claimed within 72 hours. An

aggrieved owner or keeper may request a hearing pursuant to MVMC 6.04.370 prior to any action by the city. It is the duty of any person or keeper with an exotic animal registered under this section to at all times keep convenient to the quarters all appropriate equipment necessary to recapture such animal should it escape.

C. Any person licensed to sell exotic animals other than those prohibited by subsection A of this section shall within 24 hours of the time of sale place in the mail to the police department a statement indicating the type of animal sold, name of the purchaser, address and telephone number of the purchaser, and address of the property or residence where the animal will primarily be kept.

D. All persons who possess any of the animals listed in subsection A of this section as of the effective date of the ordinance codified in this chapter shall register said animals with the police department within 10 days of the ordinance's effective date. The animal control officer shall specify the conditions under which the animal must be kept while the owner arranges to remove the animal from the city. Removal must occur within 30 days of registration. Failure to timely register, comply with the conditions of registration or remove an exotic animal listed in subsection A of this section shall constitute a violation of this chapter.

E. The provisions of this section shall not apply to wild or exotic animals listed in subsection A of this section when such animals are safely and continuously contained during uninterrupted transport through the city or to a veterinary hospital within the city.

F. The provisions of this section shall not apply to raptors possessed under official state or federal authorization.

G. Violation of subsection A or D of this section shall constitute a misdemeanor, and shall be punishable as set forth in MVMC 1.20.010. (Ord. 3301 § 1, 2005).

**6.04.330 Designated animal control officer.**

It shall be the jurisdiction of the police department to enforce any provisions of this chapter or of any other city ordinance or state law relating to animal welfare, cruelty and animal control by any lawful means including, but not limited to arrest, the issuance of criminal citation, notice of civil infraction, order to abate, or issuance of warnings. (Ord. 3301 § 1, 2005).

**6.04.340 Designated animal control officer – Powers and duties.**

The animal control officer is authorized to take such lawful actions as may be required to enforce the provisions of this chapter and other city ordinances relating to animal welfare, cruelty prevention and animal control. The animal control officer, while pursuing any animal observed by such officer to be in violation of this title or being treated cruelly in violation of this title, may enter upon public or private property, for the purposes of enforcing the code provision violated; provided, that entry into a building designated for and used for private purposes may be accomplished only with the consent of the owner or lawful occupant of said premises or upon the issuance of a proper search or arrest warrant. (Ord. 3301 § 1, 2005).

**6.04.350 Designated animal control officer – Obstruction.**

It is unlawful for any person, without lawful reason, to knowingly hinder, resist, delay or obstruct any animal control officer or police officer in the performance of their duties. Obstruction of an animal control officer or police officer is a misdemeanor, punishable as set forth in MVMC 1.20.010. (Ord. 3448 § 6, 2009; Ord. 3301 § 1, 2005).

**6.04.360 Enforcement.**

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. It is the specific intent of this chapter that neither provision nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, employees, agents, or volunteers, for whom the implementation and enforcement of this chapter shall be discretionary and not mandatory.

B. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees, volunteers, or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, volunteers or agents. Any and all liability and consequential damage resulting from any official performing the functions of an animal control officer and enforcement of this chapter is hereby

disclaimed and governmental immunity as provided by law is retained. (Ord. 3301 § 1, 2005).

**6.04.370 Complaints – Adjudication of grievances.**

Any owner or keeper aggrieved as the result of an impoundment, condition for redemption, or deprivation pursuant to the provisions of this chapter, may request a hearing before the municipal court judge to determine the justification of such classification, or the requirements imposed as a condition of redeeming the animal, per impoundment, or any determination, that the animal has been cruelly treated, neglected or abandoned. In the event the court confirms the classification and/or requirements, or determination that the animal has been cruelly treated, neglected or abandoned, the owner or keeper shall pay the costs of such hearing including the filing fee and the fees for witnesses called in support of the official action. (Ord. 3301 § 1, 2005).

**6.04.380 Presumption of ownership.**

A presumption of ownership shall exist if a stray animal is kept, sheltered, fed or harbored for more than five consecutive days (120 hours); provided, that a cat colony caretaker, as defined in Chapter 6.10 MVMC, shall not be deemed an owner when providing daily care for colony animals. (Ord. 3301 § 1, 2005).

**6.04.390 Habitual violator.**

In addition to any other legal remedies available under the provisions of this chapter, an animal control officer may order and direct in writing delivered by regular mail to the last known address of the owner or keeper of the animal or by personal service to the owner or keeper of any animal which is the subject of more than three criminal citations, notices of civil infraction or any combination of the same within any 12-month period to abate and remove such animal from the city within seven days from the date of service of the order or the tenth day from the date of mailing the order to abate the habitual violator. Such order to abate the habitual violator shall:

A. State that a hearing in the Mount Vernon municipal court may be requested appealing the order and the method of appealing as provided for in MVMC 6.04.370.

B. That if no hearing is requested within seven days of the date of mailing order or date of service of the order the owner or keeper must abate and remove the animal from the city.

C. Bear the notation that any appeal must be filed before closure of the seventh day following the date of mailing or service of the order.

D. Clearly state and identify the grounds of which the animal has been declared a habitual violator.

E. Clearly identify the animal which has been declared a habitual violator identifying such animal by species and breed, coloring and markings, age, gender, and name when such information is available.

If such animal is found to be kept in violation of the order after 10 days have elapsed from the date of mailing or seven days have elapsed from the date of service of the order, or the date and hour of affirmance of such order if a timely appeal is filed, such animal may be abated and removed by impoundment by an animal control officer, subject to all impoundment and redemption procedures; provided, however, such animal may not be returned to the residence or property from which it was impounded or resided. (Ord. 3301 § 1, 2005).

#### **6.04.400 Impoundment.**

A. An animal control officer may apprehend any animal committing or involved in any acts in violation of this chapter or in any other ordinance or which is being subjected to cruel treatment as defined in this title. After such an animal is apprehended, the animal control officer shall determine whether the animal is licensed, registered or otherwise identifiable, and may return the animal to its owner, or if the animal control officer finds it necessary for the protection of the animal or of the public to keep the animal in custody, the animal control officer shall notify the owner of the animal within a reasonable time by telephone, regular mail, personal contact or by posting at the residence of the owner that the animal has been impounded, the reasons therefor, and whether and/or how it may be redeemed.

B. Any animal not displaying a traceable license tag or other form of identification impounded pursuant to this chapter shall be held for its owner at least 72 hours commencing with the apprehension.

C. Any animal displaying a traceable license tag or other form of identification impounded pursuant to this chapter shall be held for its owner at least 120 hours commencing with notification.

D. All impound periods shall continue to run during nonbusiness hours, weekends and holidays.

E. The animal control officer or the staff of a city designated animal shelter may cause to have

provided necessary vaccinations against contagious diseases to any impounded animals.

F. Any impounded animal not redeemed by its owner during the prescribed period, or which is suffering from a serious injury or disease as determined by the animal control officer or the person in charge of a city designated animal shelter, may be humanely destroyed. Any impounded animal not redeemed by its owner during the prescribed period may be made available for adoption or, in the discretion of such custodian, may be held for a longer period. Redemption of an impounded animal by its owner or adoption by any other person, after being held for the prescribed period, may be conditioned upon payment of reasonable medical fees, licensing and registration fees if the animal is not registered, impound and holding costs, and any other chargeable fees.

G. Any dog or cat impounded by the animal control officer and made available for adoption by the city designated animal shelter shall be neutered prior to adoption. Except, that an animal deemed by a licensed veterinarian to be suffering any condition making it unsuitable for neutering, may be stayed such procedure until conditions improve. Expenses of neutering shall not be borne by the city except as permitted by MVMC 6.10.030.

H. No live animal impounded pursuant to this chapter shall be used, donated or sold for experimentation purposes.

I. The owner of any animal impounded pursuant to the provisions of this chapter may redeem the animal according to the procedures set out in this chapter; provided, that subject to the appeal procedures of this chapter, redemption may be denied to an owner who has cruelly treated an animal as defined in this chapter or to an owner of an animal believed to have engaged in nuisance or destructive behavior as defined in MVMC 6.04.200; and provided, that such owner file the appeal from a denial of redemption with the municipal court before closure of such office on the seventh business day following service of the notice of the denial. If service by mail, service shall be deemed complete upon the third day following the day upon which notice is placed in the mail.

J. Animals delivered for impoundment by animal control officers or police officers that have been removed from the possession of persons detained or incarcerated for a crime shall be held for not less than 120 hours. An impoundment receipt shall be left with the detained person's possessions along with instructions for redemption. The receipt shall serve as the notice to the owner required by this chapter. An officer should make a

reasonable attempt to place the animal with a responsible person, family member of the detained person, or animal rescue service; however, failure to successfully place the animal shall not relieve the animal owner from the responsibility for all reasonable fees associated with impoundment. (Ord. 3301 § 1, 2005).

#### **6.04.410 Impoundment register.**

The police department and city designated animal shelter shall maintain a register of all animals impounded pursuant to this chapter and such register shall show:

- A. The identification tag number and EAID, if any;
- B. Species and breed of the animal;
- C. Description by coloring and markings;
- D. Time and date of impoundment;
- E. Name of person impounding the animal;
- F. Area in which the animal was picked up;
- G. Method and time of notifying the owner, if known, of redemption procedures;
- H. Final disposition of the animal;
- I. Date and time of disposition. (Ord. 3301 § 1, 2005).

#### **6.04.420 Impounded animals – Custodian.**

The city council may, pursuant to contract for animal shelter services, designate one or more custodians of animals impounded pursuant to this title. The designated animal custodian(s) shall follow the provisions of this chapter and other city ordinances relating to animal control and shall be subject to all terms and conditions of such ordinances and to the terms and conditions of the contracts which have been or in the future will be executed with the city. Nothing in this section shall prevent the city from obtaining all or any part of animal-related services from its own employees and facilities. (Ord. 3301 § 1, 2005).

#### **6.04.430 Impounded animals – Redemption.**

Any animal impounded pursuant to the provisions of this chapter or other city animal control ordinances may be redeemed upon payment by its owner of all redemption fees as set out below and upon evidence satisfactory to the animal control officer or shelter that the violation has been corrected or by order of the court following an appeal and hearing as set out in this chapter. Redemption fees may include the following:

- A. Actual boarding costs for the animal;
- B. Actual cost of quarantine, if applicable;
- C. Emergency medical expenses due to illness, disease, or injury;

D. Distrain fee of \$20.00;

E. Licensing \$5.00 late fee, if applicable.

All redemption fees are the obligation of the owner even if the animal is implicitly abandoned or expressly relinquished. (Ord. 3301 § 1, 2005).

#### **6.04.440 Severability.**

In the event any term or condition of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this chapter which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this chapter are declared severable. (Ord. 3301 § 1, 2005).

#### **6.04.450 Violation – Penalty.**

A. Unless otherwise specifically provided, any person violating any of the provisions of this chapter shall have committed a civil infraction and shall be subject to a civil penalty as follows:

1. Upon the first violation in a 12-month period, a fine of \$50.00;
2. Upon a second violation in a 12-month period, a fine of \$100.00;
3. Upon a third violation in a 12-month period, a fine of \$150.00;
4. Upon a fourth violation in a 12-month period, a fine of \$500.00, plus removal of the animal per MVMC 6.04.390.

B. The provisions of Chapter 46.63 RCW for the disposition of traffic infractions apply to the disposition of all civil infractions set forth in this chapter except as follows:

1. The provisions in Chapter 46.63 RCW relating to the provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this chapter;
2. The provisions in Chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license are not applicable to this chapter.

C. Any person violating any of the provisions of MVMC 6.04.230, 6.04.260, 6.04.290, 6.04.320(A) or (D), or 6.04.350 is guilty of a misdemeanor and shall be punished as set forth in MVMC 1.20.010.

D. In addition to any civil penalty or criminal sentence as provided by this chapter, the owner of the animal, whether the animal is licensed or not, shall be liable for actual expenses for boarding the animal, including any reasonable charges by the impounding authority, and if necessary, for the cost of its destruction. (Ord. 3301 § 1, 2005).

## Chapter 6.06

### COMMERCIAL KENNELS AND CATTERIES, GROOMING PARLORS, PET SHOPS, SHELTERS

#### Sections:

- 6.06.010 Definitions.
- 6.06.020 License requirements.
- 6.06.030 License fees.
- 6.06.040 Application.
- 6.06.050 Inspection at processing.
- 6.06.060 Display.
- 6.06.070 *Repealed.*
- 6.06.080 *Repealed.*
- 6.06.090 Violations – Penalties.
- 6.06.100 Records required.
- 6.06.110 Commercial kennels, catteries, pet shops and shelters – General conditions.
- 6.06.120 Indoor facilities – Specific conditions.
- 6.06.130 Outdoor facilities – Specific conditions.
- 6.06.140 Grooming parlors – Specific conditions.
- 6.06.150 Severability.
- 6.06.160 Violation – Penalty.

#### 6.06.010 Definitions.

Within the provisions of this chapter, the following definitions shall apply:

A. “Commercial cattery” means any premises used to conduct a commercial business involving the breeding, buying, selling, or boarding of cats, but excluding animal hospitals and clinics where animals are kept only for treatment by licensed veterinarians and nonprofit animal shelters where animals are kept for care and treatment pending redemption, adoption or euthanasia.

B. “Commercial kennel” shall hold the same meaning as a commercial cattery except involving dogs.

C. “Commercial” means having profit as a primary purpose of operations.

D. “Grooming parlor” means any place of business (stationary or mobile) where animals are bathed, clipped, dipped or combed, or otherwise serviced for a valuable consideration for the purpose of enhancing their aesthetic value.

E. “License” means a city of Mount Vernon business license.

F. “Pet shop” means any business or commercial establishment wherein animals commonly referred to or considered to be pets are kept or dis-

played for sale to any persons or organizations for either private or commercial purposes.

G. “Shelter” means governmental or private organizations that provide temporary homes for stray or surrendered animals, most often dogs and cats, until the animals are reclaimed by the owners, adopted, placed with another organization, or euthanized. (Ord. 3301 § 2, 2005).

#### 6.06.020 License requirements.

It is unlawful for any person to own, maintain or operate a commercial kennel or cattery, grooming parlor, pet shop or shelter within the city unless such person has first obtained the applicable license as required by Chapter 5.04 MVMC and this title. Such license shall be nontransferable. (Ord. 3301 § 2, 2005).

#### 6.06.030 License fees.

The license fees required for a commercial kennel or cattery, grooming parlor, pet shop or shelter are outlined in Chapter 5.04 MVMC; except, that MVMC 5.04.070 shall not apply to a commercial kennel or cattery, grooming parlor, pet shop or shelter when combined with another classification of business and shall require a separate license and fee. (Ord. 3301 § 2, 2005).

#### 6.06.040 Application.

In addition to licensing requirements of MVMC 5.04.090, any person making application for a business license for a commercial kennel or cattery, grooming parlor, pet shop or animal shelter shall submit the following information:

A. Name, address and phone number of the owner of such business;

B. Name, address and phone number of the person(s) having primary supervision of such business;

C. The street address, mailing address and phone number of such business;

D. The maximum number of animals which such business will contain at any single time;

E. A statement giving permission for the inspection of such business at any reasonable time. (Ord. 3301 § 2, 2005).

#### 6.06.050 Inspection at processing.

This chapter sets forth conditions for any commercial kennel or cattery, grooming parlor, pet shop or shelter license in order to provide for safe and humane treatment of animals. Upon application for a commercial kennel or cattery, grooming parlor, pet shop or shelter license, the designated animal control officer shall inspect the proposed

facilities to determine whether such facilities comply with the required conditions set forth in this chapter. If it is found they do not, the license shall not issue and the applicant shall be advised in writing of the reasons for denial. (Ord. 3301 § 2, 2005).

#### **6.06.060 Display.**

In addition to the requirements of MVMC 5.04.100, the license issued for a commercial kennel or cattery, grooming parlor, pet shop or shelter shall be posted on the premises in a location easily observed by the public. (Ord. 3301 § 2, 2005).

#### **6.06.070 Revocation, denial or refusal to renew.**

*Repealed by Ord. 3440. (Ord. 3301 § 2, 2005).*

#### **6.06.080 Appeal of revocation or denial of license.**

*Repealed by Ord. 3440. (Ord. 3301 § 2, 2005).*

#### **6.06.090 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions contained in this chapter shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. (Ord. 3440 § 5, 2008).

#### **6.06.100 Records required.**

Each commercial kennel or cattery, pet shop and shelter shall prepare, maintain and make available to the designated animal control officer a current record of all dogs, cats and other animals sold, auctioned or otherwise disposed of and a current record of all dogs, cats and other animals born within such facility or acquired from other sources. Such records shall include the origin, age and type of dog, cat or other animal, and the name and address of the transferee and transferor. (Ord. 3301 § 2, 2005).

#### **6.06.110 Commercial kennels, catteries, pet shops and shelters – General conditions.**

Commercial kennels and catteries, pet shops and shelters shall meet the following conditions:

A. Animal housing facilities shall be provided the animals, shall be structurally sound, shall be maintained in good repair, and shall be designed to protect the animals from injury and restrict the entry of other animals.

B. Each animal shall be provided with adequate floor space to allow such animal to turn about freely and to easily stand, sit and lie in a comfortable normal position.

C. Any electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.

D. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

E. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents.

F. Refrigeration shall be provided for the protection of perishable foods.

G. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.

H. Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

I. Sick, diseased or injured animals shall be separated from those appearing healthy and normal and if for sale, shall be removed from display and sale or adoption and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

J. There shall be an employee or keeper on duty at all times during business hours whose responsibility shall be the care and supervision of the animals in that shop or department held for sale, adoption or display.

K. An employee, keeper or owner shall make provision to feed, water and do the necessary cleaning of animals. Adult dogs and cats shall be fed and watered no less than twice every 24 hours, puppies and kittens more often.

L. No person shall misrepresent an animal to a consumer in any way.

M. No person shall knowingly give for adoption or sell a sick or injured animal without disclosing the sickness or injury to the adopter or purchaser.

N. Animals which are caged, closely confined or restrained shall be permitted daily exercise for an appropriate length of time, as determined by their size, age and species, in a yard or area suitable for that purpose. (Ord. 3301 § 2, 2005).

**6.06.120 Indoor facilities – Specific conditions.**

Commercial kennels and catteries, pet shops and shelters which have indoor facilities for animals shall:

A. Be sufficiently heated or cooled when necessary to protect the animals from temperatures to which they are not accustomed, taking into consideration their age, size and species;

B. Be adequately ventilated to provide for the health of the animals and to remove foul odors therefrom;

C. Have ample light, either natural or artificial, or both, of good quality and well distributed to provide for such illumination as necessary to inspect and clean;

D. Have interior walls, ceiling and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with sealant or paint;

E. Contain a suitable method of drainage to facilitate the rapid elimination of excess water under any weather or temperature condition from indoor housing facilities; provided, this requirement shall not apply to display areas of pet shops;

F. Be maintained in a clean and sanitary condition, with the use of safe and effective disinfectants. (Ord. 3301 § 2, 2005).

**6.06.130 Outdoor facilities – Specific conditions.**

Commercial kennels and catteries, pet shops and shelters having outdoor facilities for animals shall:

A. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, heat, cold or other elements;

B. Be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;

C. Contain a suitable system of drainage to be constructed to prevent an accumulation of water, mud, debris, excreta or other material and capable of being kept clean and sanitary and shall be so kept;

D. Be enclosed by walls or fences sufficient to keep animals within and to prevent entry of other animals. (Ord. 3301 § 2, 2005).

**6.06.140 Grooming parlors – Specific conditions.**

Grooming parlors shall:

A. Not board animals, but keep said animals for a reasonable time in order to perform the business of grooming;

B. Keep each animal in an individual cage;

C. Not permit animals therein kept for the purpose of grooming to have contact with other animals kept therein;

D. Sanitize all equipment after each animal has been groomed;

E. Not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010;

F. Not leave animals unattended during the drying process;

G. Take reasonable precautions to prevent injury from occurring to any animal while in the custody of said parlor. (Ord. 3301 § 2, 2005).

**6.06.150 Severability.**

In the event any term or condition of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this chapter which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this chapter are declared severable. (Ord. 3301 § 2, 2005).

**6.06.160 Violation – Penalty.**

Any person violating or failing to comply with any of the provisions contained in this chapter shall be subject to the enforcement provisions contained in MVMC Title 19 entitled Code Enforcement. (Ord. 3448 § 7, 2009).



**Chapter 6.08****DANGEROUS DOGS**

## Sections:

- 6.08.010 Purpose.
- 6.08.020 Adoption by reference.
- 6.08.030 Potentially dangerous dogs – Registration and compliance with chapter required.
- 6.08.040 Potentially dangerous dogs – Certificate of registration – Fee – Requirements.
- 6.08.050 Potentially dangerous dogs – Enclosure or secure restraint required.
- 6.08.060 Potentially dangerous dogs – Impoundment.
- 6.08.065 Microchipping of dangerous and potentially dangerous dogs required.
- 6.08.070 Dangerous dogs – Registration certificate – Fee.
- 6.08.075 Dangerous dogs – Sterilization required – Further acquisition prohibited.
- 6.08.080 Declaration as dangerous or potentially dangerous dog – Notice to owner – Appeal.
- 6.08.090 Basis for determination.
- 6.08.100 Violation – Nondeclaration no defense.
- 6.08.110 Confiscation of dangerous dogs.
- 6.08.115 Euthanization required – Notice to owner – Appeal.
- 6.08.120 Disclaimer of liability.
- 6.08.130 Violation – Penalty.
- 6.08.140 Severability.

**6.08.010 Purpose.**

It is the purpose of this chapter to provide a means of controlling errant animal behavior so that it shall not become a public nuisance. This chapter shall be construed so as to be consistent with Chapter 16.08 RCW. In the event of a conflict between this chapter and any provision of Chapter 16.08 RCW, then in that event the applicable provision of Chapter 16.08 RCW shall prevail. (Ord. 3301 § 3, 2005).

**6.08.020 Adoption by reference.**

The following provisions of the Revised Code of Washington as presently constituted or hereafter amended are adopted by reference:

## RCW

- 16.08.070 Dangerous dogs and related definitions.

- 16.08.080 Dangerous dogs – Certificate of registration required – Prerequisites.
- 16.08.090 Dangerous dogs – Requirements for restraint – Potentially dangerous dogs – Dogs not declared dangerous.
- 16.08.100(1) Relating to dangerous dogs. (Ord. 3301 § 3, 2005).

**6.08.030 Potentially dangerous dogs – Registration and compliance with chapter required.**

It is unlawful for any owner to have, maintain or bring into the city any dangerous dog or potentially dangerous dog unless the owner has obtained a certificate of registration for the dog from the city and is in compliance with all of the provisions made applicable to the keeping of such dogs by this chapter. This section shall not apply to dogs used by law enforcement agencies for police work. (Ord. 3301 § 3, 2005).

**6.08.040 Potentially dangerous dogs – Certificate of registration – Fee – Requirements.**

A. Upon application therefor, and upon payment of a registration fee in the amount of \$50.00, the city shall issue a certificate of registration of potentially dangerous dog to the owner of a dog so classified if the owner presents to the city sufficient evidence of:

1. Enclosure. A proper enclosure to confine a dangerous dog, as that term is defined herein; and
2. Bond or Insurance.

a. A \$250,000 surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the city, payable to any person injured by the potentially dangerous animal; or

b. A policy of liability insurance, such as a homeowner's insurance, or public liability insurance issued by an insurer qualified under RCW Title 48 and acceptable to the city in an amount of not less than \$250,000 with maximum deductible coverage not to exceed \$2,500 in a form requiring notice to the city of cancellation or nonrenewal of such policy not less than 30 days prior to its date of cancellation or expiration, insuring the owner for any personal injuries or property damage inflicted by the animal.

B. Such certificate of registration of a potentially dangerous dog shall be valid for a period of one year, commencing January 1st of each year, and shall be renewed annually on or before January 31st.

C. The certificate or registration of a potentially dangerous dog shall be in addition to the registration required by Chapter 6.04 MVMC.

D. The owner of any potentially dangerous dog for which a certificate of registration has been issued by the city shall notify the animal control officer of the city in writing whenever such potentially dangerous dog has either been permanently removed from the city, or has become deceased.

E. Exemption to Requirements. An animal that that for the first time is classified as “potentially dangerous” under the provisions of this chapter may be exempted from the certification requirements above, provided the animal has passed the Canine Good Citizen (CGC) test of the American Kennel Club (AKC), as administered by any AKC certified trainer, received appropriate certification from the AKC, and that certification has been provided to the city. Such animal shall be retested at least once every two years and must pass each time in order to maintain this exemption. Any failure to provide current certification within the two-year time period or any failure of the animal to pass shall result in the permanent removal of the exemption. An animal shall be allowed one exemption. The exemption shall cease to continue or apply regardless of certification from the AKC or the passing of CGC testing if the animal acts in a manner that gives rise to a second finding that the animal is “potentially dangerous” under the provisions of this chapter. In the event the animal acts in a manner that gives rise to a finding that the animal has aggressively bitten, attacked, or endangered the safety of humans and has been previously classified as “potentially dangerous” because of injury inflicted on a human the exemption shall cease to continue and the animal shall be classified as “dangerous.” The exemption shall be noted on the dog license application. (Ord. 3448 § 1, 2009; Ord. 3301 § 3, 2005).

#### **6.08.050 Potentially dangerous dogs – Enclosure or secure restraint required.**

It is unlawful for the owner of a potentially dangerous dog to permit the dog to be outside the proper enclosure of the potentially dangerous dog unless such dog is restrained by a substantial physical control device, including a leash or carrying cage, and under physical restraint of a responsible person. In addition to physical control devices, an animal control officer may require a potentially dangerous dog to be muzzled while outside the proper enclosure. In prescribing the muzzle requirement for a potentially dangerous dog the

animal control officer must take into consideration the following factors:

A. The breed of the animal and its characteristics;

B. The physical size of the animal;

C. The number of animals in the owner’s home;

D. The zoning involved; size of the lot where the animal resides; the number and proximity of neighbors;

E. The existing control factors, including but not limited to fencing, caging, runs and staking locations;

F. The nature of the behavior giving rise to the animal control officer determination that the animal is vicious:

1. Extent of injury(ies),

2. Circumstances, e.g., time of day, on/off property, provocation instinct,

3. Circumstances surrounding the result and complaint, e.g., neighborhood disputes, identification, credibility of complainants, and witnesses. (Ord. 3301 § 3, 2005).

#### **6.08.060 Potentially dangerous dogs – Impoundment.**

Any potentially dangerous dog shall be immediately impounded by an animal control officer if:

A. The dog is not validly registered under Chapter 6.04 MVMC;

B. The owner does not secure or maintain either a surety bond or insurance coverage as required by MVMC 6.08.040;

C. The dog is not maintained in the proper enclosure; or

D. The dog is outside the dwelling of the owner, or outside the proper enclosure and not under proper physical restraint of a responsible person, or muzzled, as required. (Ord. 3301 § 3, 2005).

#### **6.08.065 Microchipping of dangerous and potentially dangerous dogs required.**

A. Any dog which is declared to be a “dangerous dog” or “potentially dangerous” pursuant to this chapter or Chapter 16.08 RCW or a similar provision in another jurisdiction shall be required to be microchipped by a veterinarian of the owner’s choice, at the owner’s expense and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. This shall be in addition to the other requirements of this chapter and this procedure must be accomplished within 30 days after the owner’s receipt of the dangerous dog declaration issued pursuant to this chapter or Chapter 16.08 RCW or upon 30 days after moving the

potentially dangerous or dangerous animal into the city limits. Documentation of the microchip implant shall be provided to the city, including the microchip identification number, within 30 days after the microchip implantation. If the owner does not have the dog microchipped the city animal control officer shall seize the dog and have the animal microchipped at the owner's expense.

B. Removal of a required microchip implanted in a declared "dangerous dog" or "potentially dangerous" dog shall be unlawful excepting the existence of a valid medical reason as determined by a veterinarian of the owner's choice. Removal of a required microchip must be reported to the city within 30 days of the procedure with documentation from the veterinarian performing the procedure of the medical reason for removal. (Ord. 3448 § 2, 2009).

#### **6.08.070 Dangerous dogs – Registration certificate – Fee.**

A. Upon application therefor, and upon payment of a registration fee in the amount of \$500.00, the city shall issue a certificate of registration of dangerous dog to the owner of such a dog if the owner presents to the city sufficient evidence of:

1. Enclosure. A proper enclosure to confine a dangerous dog, as that term is defined herein; and
2. Bond or Insurance.

a. A \$500,000 surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the city in a sum of at least \$500,000 payable to any person injured by the potentially dangerous animal; or

b. A policy of liability insurance, such as a homeowner's insurance, or public liability insurance acceptable to the city issued by an insurer qualified under RCW Title 48 in the amount of not less than \$500,000 with maximum deductible coverage not to exceed \$2,500 in a form requiring notice to the city of cancellation or nonrenewal of such policy not less than 30 days prior to its date of cancellation or expiration, insuring the owner for any personal injuries or property damage inflicted by the animal.

B. Such certificate of registration of a dangerous dog shall be valid for a period of one year, commencing January 1st of each year, and shall be renewed annually on or before January 31st.

C. The certificate of registration of a dangerous dog shall be in addition to the registration required by Chapter 6.04 MVMC.

D. Any dog that has been declared to be a dangerous dog pursuant to the provisions of Chapter

16.08 RCW by any jurisdiction having authority shall be registered as such as provided herein.

E. The owner of any dangerous dog for which a certificate of registration has been issued by the city shall notify the animal control officer of the city in writing whenever such dangerous dog has either been permanently removed from the city, or has become deceased. (Ord. 3448 § 3, 2009; Ord. 3301 § 3, 2005).

#### **6.08.075 Dangerous dogs – Sterilization required – Further acquisition prohibited.**

A. Any dog which is declared to be a "dangerous dog" pursuant to this chapter or Chapter 16.08 RCW shall be required to be sterilized by a veterinarian of the owner's choice, at the owner's expense. If the owner does not have the animal sterilized within 30 days, the city animal control officer shall seize the dog and have the animal sterilized at the owner's expense.

B. Any person owning a dog which is declared to be a "dangerous dog" pursuant to this chapter or Chapter 16.08 RCW is prohibited from acquiring or owning any additional dangerous dogs. (Ord. 3448 § 4, 2009).

#### **6.08.080 Declaration as dangerous or potentially dangerous dog – Notice to owner – Appeal.**

A. The animal control officer shall have the authority to declare any dog in the city a dangerous dog or potentially dangerous dog, which shall serve as notice to the owner that compliance with all provisions of this chapter and state law is required.

B. A declaration by the animal control officer that a dog is dangerous or potentially dangerous must be in writing and shall be served by the animal control officer or a police officer upon the owner by one of the following methods:

1. Certified mail, return receipt requested, to the last known address of the owner, or the address shown on any registration obtained pursuant to Chapter 6.04 MVMC; or
2. Personal service.

C. The declaration shall set forth at a minimum:

1. A description of the dog;
2. The name and address of the owner of the animal, if known;
3. The location of the animal if not in the custody of the owner;
4. A brief statement of the facts upon which the declaration is based;

5. The date upon which the declaration was mailed or served;

6. Notice of the right to appeal the declaration to the municipal court by filing a written request therefor with the city attorney and the municipal court within 10 days of the date the declaration was mailed or served;

7. A brief statement of the restrictions and regulations applicable to the keeping of the dog by reason of its status as dangerous or potentially dangerous or inclusion of a copy of the specific ordinance(s) that have been alleged to have been violated.

D. Any owner who has been notified of a declaration of dangerous dog or potentially dangerous dog may appeal such declaration to the municipal court by filing a written request therefor with the city attorney and the municipal court within 10 days of the date of mailing or service of the declaration.

E. Upon receiving a request to appeal a declaration of dangerous dog or potentially dangerous dog, the municipal court shall schedule a hearing which shall be held not later than 30 days from the date of the request, unless extended by the court for good cause.

F. At a hearing under this section, the city shall have the burden of proof, by a preponderance of the evidence, to demonstrate that the dog is dangerous or potentially dangerous.

G. Following a hearing under this section, the judge may sustain or overrule the determination of the animal control officer by written order. (Ord. 3301 § 3, 2005).

#### **6.08.090 Basis for determination.**

A dog shall not be considered or declared potentially dangerous or dangerous solely on the basis of inflicting bites on a person or by chasing or approaching in a menacing fashion or apparent attitude of attack any person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. (Ord. 3301 § 3, 2005).

#### **6.08.100 Violation – Nondeclaration no defense.**

The fact that a dangerous dog or potentially dangerous dog has not been declared as such under MVMC 6.08.090 or similar laws in other jurisdictions shall not excuse noncompliance with the provisions of this chapter or provide a defense in any prosecution hereunder where the owner knew or

should have known that the dog was a dangerous dog or potentially dangerous dog as defined in this chapter. (Ord. 3301 § 3, 2005).

#### **6.08.110 Confiscation of dangerous dogs.**

If a dangerous dog attacks or bites a person or another domestic animal, the dangerous dog shall be immediately confiscated by an animal control officer and placed in quarantine for the proper length of time, after which such dangerous dog may be humanely destroyed or otherwise disposed of, within the discretion of the animal control officer. The decision of the animal control officer to have the dog destroyed or otherwise disposed of shall be appealable to the municipal court in the same manner as prescribed under MVMC 6.08.090. In the event such an appeal is taken, no dog shall be destroyed or otherwise disposed of until after the hearing before the municipal court and the decision thereof. (Ord. 3301 § 3, 2005).

#### **6.08.115 Euthanization required – Notice to owner – Appeal.**

A. Any dog, regardless of whether or not the dog has previously been declared potentially dangerous or dangerous, shall be required to be expeditiously and humanely euthanized after proper quarantine upon determination the animal:

1. Caused severe physical injury, as defined in RCW 16.08.070, or death to a human being; or
2. Has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of, any crime, or which was furnished or was intended to be furnished by any person in the commission of, or as a result of the commission of, any crime.

B. A determination that a dog must be euthanized in accordance with this section must be in writing and shall be served by the animal control officer or police officer upon the owner by one of the following methods:

1. Certified mail, return receipt requested, to the last known address of the owner, or the address shown on any registration obtained pursuant to Chapter 6.04 MVMC; or
2. Personal service.

C. The determination shall set forth at a minimum:

1. A description of the dog;
2. The name and address of the owner of the animal, if known;
3. The location of the animal;
4. A brief statement of the facts upon which the determination is based;

5. The date upon which the determination was mailed or served;

6. Notice of the right to appeal the determination to the municipal court by filing a written request therefor with the city attorney and municipal court within 10 days of the date the determination was mailed and served;

7. A brief statement of the restrictions and regulations applicable to the keeping of the dog or inclusion of a copy of the specific ordinance(s) that have been alleged to have been violated.

D. Any owner who has been notified of a determination that a dog must be euthanized in accordance with this section may appeal such determination to the municipal court by filing a written request therefor with the city attorney and the municipal court within 10 days of the date of mailing or service of the determination.

E. Upon receiving a request to appeal a determination the municipal court shall schedule a hearing which shall be held not later than 30 days from the date of the request, unless extended for good cause.

F. At a hearing under this section, the city shall have the burden of proof, by a preponderance of the evidence, to demonstrate that the dog either caused severe physical injury or death to a human, or was used as a weapon in the commission of a crime.

G. Following a hearing under this section, the judge may sustain or overrule the determination of the animal control officer by written order. (Ord. 3448 § 5, 2009).

#### **6.08.120 Disclaimer of liability.**

Nothing in this chapter shall create any cause of action or claim against the city or its officials or employees. No duty to any specific individual shall be created hereby, and any duty that may be found to exist shall be to the general public only. (Ord. 3301 § 3, 2005).

#### **6.08.130 Violation – Penalty.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be punished by the laws of the state and MVMC 1.20.010. In addition to any criminal penalty as provided by this chapter, the owner of the animal, whether the animal is licensed or not, shall be liable for actual expenses for boarding the animal, including any reasonable charges by the impounding authority, and if necessary, for the cost of its destruction. (Ord. 3301 § 3, 2005).

#### **6.08.140 Severability.**

In the event any term or condition of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this chapter which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this chapter are declared severable. (Ord. 3301 § 3, 2005).

## Chapter 6.10

### ANIMAL POPULATION CONTROL

#### Sections:

- 6.10.010 Definitions.
- 6.10.020 Cats and dogs to be neutered, ear-tipped, and vaccinated – Required when.
- 6.10.030 Animal population control measures – Participation.
- 6.10.040 Cat colonies – Requirements.
- 6.10.050 Cat colony caretakers – Registration – Ownership exemption.
- 6.10.060 Traps – Humane.
- 6.10.070 Trapping – Requirements.
- 6.10.080 Abandonment prohibited.
- 6.10.090 Trap to euthanize.
- 6.10.100 Sanctuary.
- 6.10.110 Violation – Penalty.
- 6.10.120 Severability.

#### **6.10.010 Definitions.**

Within the provisions of this chapter, the following definitions shall apply:

A. “Abandon” means to drop off or leave an animal on a street, road or highway, or in a public place, or on the private property of another, or fail to provide an animal adequate sustenance for a period of 48 hours.

B. “Cat colony” means a local population of three or more stray, abandoned or feral cats living in a specific location and using a common food source such as food from trash cans or from humans.

C. “Cat colony caretaker” means a person who cares for colony cats on a daily basis at an established feeding and shelter location.

D. “Ear tipping” or “notching” means the surgical removal of the top one-fourth inch of the left ear of a feral or unclaimed free-roaming cat to indicate the animal has been neutered.

E. “Feeder” means any person who provides food and water on a regular basis to cats in a managed colony.

F. “Feral cat” means any cat existing in a wild or untamed state or having returned to an untamed state from domestication. Evidence of a feral cat includes but is not limited to poor socialization preventing the cat to be handled and cats which cannot be placed into a typical pet home.

G. “Neuter” shall mean to medically render an animal incapable of reproduction.

H. “Sanctuary” means a safe place where animals can have a permanent home similar to their

usual and accustomed environment, where nutritional and medical needs can be addressed and they are free from disturbance by predators and other animals.

I. “Spay” shall hold the same meaning as “neuter.”

J. “Stray cat” means any cat freely wandering or roaming without a prenumbered identification tag or license issued by this or any other local jurisdiction.

K. “Stray dog” means any dog freely wandering or roaming without a prenumbered identification tag or license issued by this or any other local jurisdiction.

L. “Trap, neuter, and return (TNR)” means a specific program designed to manage feral and unclaimed cat populations through neutering and then returning the animal to the point of capture.

M. “Trap, remove, euthanize (TRE)” means a specific program or act intended to manage feral cats and stray cats and/or dogs through capture and euthanization.

N. “Trap, remove, and relocate (TRR)” means a specific program or act intended to manage feral cats and stray cats and/or dogs through neutering and relocating to a colony, sanctuary, or other suitable environment. (Ord. 3301 § 4, 2005).

#### **6.10.020 Cats and dogs to be neutered, ear-tipped, and vaccinated – Required when.**

Any cat or dog, whose owner is unknown and impounded or surrendered pursuant to this title shall be neutered and vaccinated for rabies prior to adoption. Any feral cat impounded or captured pursuant to this chapter shall be neutered, ear-tipped, and vaccinated for rabies prior to TNR or TRR release. (Ord. 3301 § 4, 2005).

#### **6.10.030 Animal population control measures – Participation.**

The city may, at its option, participate in animal population control measures such as entering into agreements for the creation of or participation with spay/neuter clinics, television and radio advertising and programming, neighborhood canvassing, and other means to protect public health and safety and to reduce the population of unwanted pets and their offspring. (Ord. 3301 § 4, 2005).

#### **6.10.040 Cat colonies – Requirements.**

A. The city finds that the existence of naturally occurring cat colonies in an urban environment is a health hazard, threatens public safety, detracts from the city’s aesthetic and reduces the quality of

living. Cat colonies congregate around trash receptacles, create unwanted noise, trespass on private and public lands, are responsible for the deaths of native songbirds and other animals, exist in unsanitary conditions that contribute to the spread of diseases, and increase the production of fleas, lice, ticks and other disease carriers. The city finds that a properly managed cat colony is a humane means to reduce an unwanted and/or unhealthy cat population over a period of time only when management guidelines are set forth and strictly adhered to.

B. It shall be unlawful for any person to create or maintain a cat colony in the city unless the following management issues have been addressed to the satisfaction of the animal control officer:

1. A safe environment;
2. Appropriate shelter;
3. Veterinary assistance;
4. Reliable feeders.

C. The animal control officer shall inspect any proposed or actual cat colony location and approve or deny its development or maintenance. The decision of the animal control officer shall be final. Prior to approval of a cat colony location, the caretaker shall agree to:

1. Provide an assessment of the initial situation – number of cats, health of cats, suitability of location, impact on neighbors;
2. Set up regular feeding schedules;
3. Allow no more than the number of cats authorized by the animal control officer to reside in the colony at one time, but in no case shall there be more than 10 cats over the age of 12 weeks;
4. A plan for which cats will remain on site;
5. Arrange for veterinary care;
6. Have a trapping plan approved by the animal control officer;
7. Have a placement plan approved by the animal control officer for kittens and tame resocialized adult cats in appropriate adoption venues (eight to nine weeks for kittens);
8. Have a socialization plan approved by the animal control officer for kittens between the ages of four and 10 weeks that includes:
  - a. Maintaining the kittens with littermates and the queen if possible;
  - b. Introducing the kittens and adults to human handlers of all ages;
9. Have a plan approved by the animal control officer for ongoing maintenance of the colony – food, water, shelter, trapping new cats, removal of ill or injured cats. (Ord. 3301 § 4, 2005).

#### **6.10.050 Cat colony caretakers – Registration – Ownership exemption.**

Any person undertaking the duties and responsibilities of a cat colony caretaker shall first be registered with the city at no cost. A registered caretaker shall not be considered an owner as defined in MVMC 6.04.030, or be subject to regulations governing ownership or control of an animal, except as specifically defined in this chapter. (Ord. 3301 § 4, 2005).

#### **6.10.060 Traps – Humane.**

Any trap used to capture stray dogs or cats shall be constructed in a manner that does not harm the animal. (Ord. 3301 § 4, 2005).

#### **6.10.070 Trapping – Requirements.**

It shall be unlawful for any person to use inhumane methods to capture stray dogs or cats. Traps and the trapping of stray dogs or cats shall include the following:

A. Traps shall be covered with breathable material that prevents the trapped animal from viewing its surroundings.

B. Traps shall not be left unattended for more than two hours during periods of weather involving precipitation or abnormal heat, cold, wind, or any other condition that would amount to cruel treatment as defined in MVMC 6.04.060.

C. Traps near streams or ponds shall be secured to prevent movement.

D. Traps unprotected from weather or predators shall not be left set overnight. (Ord. 3301 § 4, 2005).

#### **6.10.080 Abandonment prohibited.**

It shall be unlawful for any person to abandon a cat, dog or other animal covered by this title. (Ord. 3301 § 4, 2005).

#### **6.10.090 Trap to euthanize.**

The practice of trapping cats and/or dogs for the purpose of euthanizing the animal shall be unlawful except in cases of disease or injury, or where attempts to place the healthy animal(s) in a home, colony or sanctuary have been unsuccessful or such options do not exist locally. Further, it shall be unlawful to employ or to be employed for the express purpose of trapping and killing free-roaming cats and dogs as a means to eliminate a nuisance. This subsection shall not prohibit an animal control officer or police officer from carrying out their lawful duties as otherwise specifically permitted under this title. (Ord. 3301 § 4, 2005).

**6.10.100 Sanctuary.**

It shall be unlawful to establish or maintain a sanctuary for feral, stray or abandoned animals within the city limits, except if and where allowed by MVMC Title 17, the Mount Vernon zoning ordinance. (Ord. 3301 § 4, 2005).

**6.10.110 Violation – Penalty.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be punished by the laws of the state and MVMC 1.20.010. (Ord. 3301 § 4, 2005).

**6.10.120 Severability.**

In the event any term or condition of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this chapter which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this chapter are declared severable. (Ord. 3301 § 4, 2005).

**Chapter 6.12**

**ANIMAL CARCASS DISPOSAL**

Sections:

- 6.12.010 Fees authorized.
- 6.12.020 Disposal requirements.
- 6.12.030 Violation – Penalty.
- 6.12.040 Severability.

**6.12.010 Fees authorized.**

In addition to any other fees or fines authorized under this title, the city may recover its cost associated with disposal of an animal carcass from private property or from public property when the owner of such animal is known and has failed to take immediate steps to dispose of the animal; provided, that said fee shall not exceed the total amount of the fee imposed by the city's disposal service. (Ord. 3301 § 5, 2005).

**6.12.020 Disposal requirements.**

Any person becoming aware of any dead animal, owned or nonowned, on said person's property, shall immediately and properly dispose of the carcass.

A. No person shall bury, dump, or otherwise dispose of an animal carcass on public property, or on private property without the authorization of the property owner.

B. The animal control officer shall have available the address and telephone number of local disposal services for use by the public. (Ord. 3301 § 5, 2005).

**6.12.030 Violation – Penalty.**

Any person refusing or failing to comply with the provisions of this chapter or with the order or directives of an animal control officer relating thereto shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in the amount of \$500.00, and each such person shall be deemed guilty of a separate offense for each and every unauthorized animal carcass disposal. (Ord. 3301 § 5, 2005).

**6.12.040 Severability.**

In the event any term or condition of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this chapter which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this chapter are declared severable. (Ord. 3301 § 5, 2005).



**Chapter 6.14****COVERED ANIMALS IN THE CITY**

## Sections:

- 6.14.001 Definitions.
- 6.14.002 Covered animals within the city of Mount Vernon are permitted with the following requirements.
- 6.14.003 Fencing.
- 6.14.004 Waste disposal.
- 6.14.005 Riding on sidewalks.
- 6.14.010 Public parks, riverfront areas and/or playgrounds.
- 6.14.015 Animals running at large.
- 6.14.016 Business area.
- 6.14.017 Areas of maintenance – Zoning and related ordinances.
- 6.14.020 Violation – Penalty.
- 6.14.040 Severability.

**6.14.001 Definitions.**

Within the provisions of this chapter, the following definitions shall apply:

A. “Covered animal” means hoofed animals usually found on a farm, such as horses, ponies, mules, donkeys, bovine animals, sheep, goats and/or swine.

B. “Own” means owning, keeping, leasing, possessing or harboring any animal. “Owner” means any person having an interest or right of possession to an animal or any person having control, custody, or possession of an animal or by reason of the animal being seen residing consistently at a location shall be presumed to be the owner.

C. “Person” means any person, firm, corporation or association. (Ord. 3301 § 6, 2005).

**6.14.002 Covered animals within the city of Mount Vernon are permitted with the following requirements.**

A. Required Open Space and Minimum Dimensional Requirements for Pasturing. There shall be not less than 12,000 square feet of open space for maintaining and pasturing the first covered animal on any parcel of property, and an additional 8,000 square feet shall be required for each additional covered animal. In addition, the following minimum dimensional requirements for open space and pasturing purposes shall be provided:

1. The pasture area shall have a minimum width of 80 feet.
2. The stable housing the covered animal shall be set back at least 30 feet from any side, rear and front property lines.

3. In the event the covered animal gives birth, thereby exceeding the number of covered animals allowed by the minimum set forth in this subsection, the owner of said animals and/or the occupier of the premises shall conform to the number of said animals or the dimensional requirements within one year of the birth of said animals.

Exception: Existing uses of properties for the keeping of covered animals are exempt from the above dimensional requirements and subsections (A)(1) and (2) of this section. Existing structure and area requirements may be expanded up to 10 percent without meeting the requirements listed above. (Ord. 3301 § 6, 2005).

**6.14.003 Fencing.**

The owner and/or tenant or other occupier of the premises upon which any covered animal is maintained for more than seven consecutive days within the city limits shall provide adequate fencing in a good state of repair to guarantee the confinement of said animal within said fence, which fence shall completely enclose an area describing at least the minimum area of open space and pasturing, including the minimum dimensional requirements. (Ord. 3301 § 6, 2005).

**6.14.004 Waste disposal.**

The owner of each covered animal and the owner and/or occupier of the premises upon which said animal is maintained within the city limits shall guarantee and, at all times, maintain the premises upon which the covered animal is maintained in a sanitary and neat condition, including, but not limited to, disposal of manure or other waste material from said animal. (Ord. 3301 § 6, 2005).

**6.14.005 Riding on sidewalks.**

It is unlawful for any person to ride or lead a covered animal on any sidewalk within the city limits, unless otherwise specifically designated by the city’s engineer for such use. No person shall ride or lead two or more covered animals abreast on any city street. (Ord. 3301 § 6, 2005).

**6.14.010 Public parks, riverfront areas and/or playgrounds.**

Unless otherwise directed by the director of parks and recreation, it is unlawful for any person to ride, lead or otherwise permit any covered animal to be within or on any public park, riverfront area or playground within the city of Mount Vernon, whether owned by, leased or otherwise under the direct supervision of the city, or to ride, lead or

## **6.14.015**

permit any said animal to be within or on the private property of another without the consent of the owner of said property; provided, however, the director of parks and recreation is authorized to post a notice or notices of specific areas in any particular public park, riverfront area or playground within the city of Mount Vernon where said animals may be permitted under such circumstances as may be required by the director of parks and recreation. Said notices shall be placed in a conspicuous place or places at each drive-in or pedestrian access provided by the city to such public parks, riverfront area and/or playgrounds. In the event the director of parks and recreation so determines and posts notices as provided in this subsection, he shall maintain a list of said parks and/or playgrounds, shall file a copy of the same with the city clerk, and said list shall be open and available for public inspection at all business hours of the office of the city clerk. (Ord. 3301 § 6, 2005).

### **6.14.015 Animals running at large.**

No person shall, within the corporate city limits of the city, allow any horse, mule, cattle, pig, sheep, donkey or other domestic farm animal to run at large on the city streets or on private property other than the property belonging to the owner of such domestic farm animal. Any person violating the provisions of this section shall be deemed to have committed a nontraffic infraction and subject to a penalty as set forth in MVMC 6.14.020. (Ord. 3301 § 6, 2005).

### **6.14.016 Business area.**

No person shall leave any covered animal unattended, whether tethered or untethered, within any area of the city zoned for commercial use by the city zoning code. (Ord. 3301 § 6, 2005).

### **6.14.017 Areas of maintenance – Zoning and related ordinances.**

In the event of conflict between any dimensional requirements set forth in this section and the requirements set forth in the zoning code, the regulation requiring the greatest open space or other dimensional requirement shall prevail. In the event any other provision of Mount Vernon Municipal Code is in conflict with this section relative to said animals, the terms of this section shall prevail. (Ord. 3301 § 6, 2005).

### **6.14.020 Violation – Penalty.**

A. Any person violating any of the provisions of this chapter shall be deemed to have committed

a nontraffic infraction and subject to penalties as follows:

1. First offense, \$50.00;
2. Second offense, \$100.00;
3. Third offense, \$150.00, and removal of animals at owner's expense from the city limits.

B. The provisions of Chapter 46.63 RCW for the disposition of traffic infractions shall apply to the disposition of all violations under this chapter except as follows:

1. The provisions in Chapter 46.63 RCW relating to the provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this chapter;
2. The provisions in Chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license or vehicle license are not applicable to this chapter.

C. The form for notice of infraction for a violation of this chapter shall be prescribed by rule of the Supreme Court. (Ord. 3301 § 6, 2005).

### **6.14.040 Severability.**

In the event any term or condition of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this chapter which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this chapter are declared severable. (Ord. 3301 § 6, 2005).

**Chapter 6.16****ANIMAL ADVISORY BOARD**

## Sections:

- 6.16.010 Animal advisory board established – Duties.
- 6.16.020 Membership.
- 6.16.030 Meeting and election of officers.
- 6.16.040 Terms of members.
- 6.16.050 Vacancies.
- 6.16.060 Removal.
- 6.16.070 Severability.

**6.16.010 Animal advisory board established – Duties.**

A. There is hereby established a city of Mount Vernon animal advisory board, comprised of community volunteers, hereinafter referred to as “advisory board.” The advisory board shall not be responsible for day-to-day operations of the city animal control function and shall refer those matters to appropriate staff. The advisory board shall coordinate its activities with other agencies and boards involved with animal control and protection services to avoid duplication and to ensure the best possible service within budgetary limits. The advisory board shall have the following responsibilities:

1. Assist the city and animal control authority by reviewing and recommending policies relating to animal control and protection;
2. Advise and assist the city and animal control authority in making recommendations regarding revisions to this title;
3. Enhance community relations and assist in seeking alternative funding sources;
4. Assist animal control authority in the development of a five-year comprehensive plan for animal control and protection and enforcement of this title. The plan shall be approved by the city council and updated every five years;
5. Monitor trends and compile data involving changes in animal populations, demands for services, licensing activities, and any other conditions affecting animal control and protection;
6. Assist in preparing and coordinating a city-wide public information program to inform city residents about animal control and protection services, and to promote the general safety and welfare of animals;

7. To perform such other tasks as may from time to time be directed by the mayor or city council.

B. Staff Services. The Mount Vernon police department shall be responsible for providing administrative and staff services for the advisory board and may assign police department staff members to provide services to the commission. (Ord. 3301 § 7, 2005).

**6.16.020 Membership.**

The advisory board shall be comprised of the following volunteer members:

A. One owner or operator of a licensed kennel, cattery, pet shop or grooming parlor in Mount Vernon;

B. One licensed veterinarian who practices in Mount Vernon;

C. One member of an animal welfare organization located in Skagit County that handles animals originating from Mount Vernon;

D. One Mount Vernon resident who owns dog(s) but who does not work in, own or operate any facility;

E. One Mount Vernon resident who owns cat(s) but who does not work in, own or operate any facility;

F. One Mount Vernon resident who owns any animal other than a dog or cat;

G. One Mount Vernon resident who neither owns nor maintains domestic animals;

H. Two Mount Vernon residents at large.

No employee of the police department shall serve as a member of the advisory board; provided, that the chief of police or his designee shall be an ex officio, nonvoting member. (Ord. 3301 § 7, 2005).

**6.16.030 Meeting and election of officers.**

The advisory board shall meet as necessary, but not less frequently than once each quarter, at the call of the chair. The advisory board shall adopt by-laws and elect its chair, vice-chair and secretary from within the board membership. (Ord. 3301 § 7, 2005).

**6.16.040 Terms of members.**

The mayor shall appoint advisory board members for three-year terms. Initial appointments shall be staggered terms as follows:

A. Three members shall be appointed for one-year terms;

B. Three members shall be appointed for two-year terms;

C. Three members shall be appointed for three-year terms. (Ord. 3301 § 7, 2005).

## **6.16.050**

### **6.16.050 Vacancies.**

Vacancies shall be filled by mayoral appointment. A position shall become vacant upon expiration of the term; provided, that the existing board member shall continue to serve until his or her successor is appointed. A position also shall become vacant upon the death, resignation, removal, or change of eligibility status such as classification or residency. An appointment to fill a vacancy for any reason other than the expiration of a term shall be only for the balance of the full term of the position being vacated. (Ord. 3301 § 7, 2005).

### **6.16.060 Removal.**

The mayor may remove any member of the advisory board for neglect of duty, malfeasance, or for any breach of rules promulgated by the advisory board. (Ord. 3301 § 7, 2005).

### **6.16.070 Severability.**

In the event any term or condition of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this chapter which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this chapter are declared severable. (Ord. 3301 § 7, 2005).